

1 MARK BRNOVICH  
Attorney General  
2 Firm State Bar No. 14000

3 JEANNE M. GALVIN  
Assistant Attorney General  
4 State Bar No. 015072  
1275 W. Washington, SGD/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7983  
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **RYAN HOPKINS, CPhT**

Board Case No. 17-001-PHR

12 Holder of License No. T029981  
13 To Practice as a Pharmacy Technician in  
the State of Arizona

**CONSENT AGREEMENT  
AND ORDER FOR PROBATION**

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15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et seq.*, Ryan Hopkins ("Respondent"),  
18 holder of Pharmacy Technician Number T029981 in the State of Arizona, and the Board  
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
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1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning this matter at which hearing he could present evidence and cross  
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly  
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights  
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 complaint number 4515 involving allegations of unprofessional conduct against  
13 Respondent. The investigation into these allegations against Respondent shall be  
14 concluded upon the Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, he may not  
25 revoke his acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that  
16 will be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement  
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
21 1901.01(C)(16), -1927.01(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.

24 ...

25 ...

26

1 ACCEPTED AND AGREED BY RESPONDENT

2  
3   
4 Ryan Hopkins, CPhT

Dated: 9/27/16

5 **FINDINGS OF FACT**

6 1. The Board is the duly constituted authority for licensing and regulating the  
7 practice of pharmacy in the State of Arizona.

8 2. Respondent is the holder of license number T029981 to practice as a  
9 pharmacy technician in the State of Arizona.

10 3. At all times relevant hereto, Respondent worked as a Pharmacy Technician  
11 at San Carlos Apache Medical Center (Indian Health Services).

12 4. On or about April 18, 2016, Respondent reported to work intoxicated.  
13 While at work, he lost consciousness and was transferred to the emergency room.

14 5. On or about May 7, 2016, Respondent was admitted to Pinnacle Peak  
15 Recovery, LLC for the beginning of a 90 day recovery program. Respondent has  
16 successfully completed the program as of 8/7/2016.

17 **CONCLUSIONS OF LAW**

18 1. The Board possesses jurisdiction over the subject matter and over  
19 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

20 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a  
21 pharmacy technician who has engaged in unprofessional conduct.

22 3. Respondent's conduct, as described in the Findings of Fact, constitutes a  
23 violation of A.R.S. § 32-1901.01(C)(7) ("Working under the influence of alcohol or other  
24 drugs.")

1 **ORDER**

2 Based upon the above Findings of Fact and Conclusions of Law, the Board issues  
3 the following Order:

4 1. Respondent's license as a Pharmacy Technician No. T029981 is hereby  
5 placed on probation for a minimum period of five (5) years subject to the following terms  
6 and conditions:

7 A. Upon execution of this Consent Agreement, Respondent shall  
8 immediately sign a contract with Pharmacists Assisting Pharmacists of  
9 Arizona ("PAPA"), which shall extend for the entire term of the five (5) year  
10 probation under this Consent Agreement. Respondent shall abide by each and  
11 every requirement of the PAPA contract. Failure to participate in the PAPA  
12 program, complete the PAPA program, or to abide by the PAPA contract's terms  
13 is a violation of this Order.

14 B. The Board acknowledges that Respondent resides in Peridot, AZ.  
15 Respondent's compliance with some terms of the standard PAPA contract may be  
16 difficult or impossible given the remote location of his residence. Thus, the Board  
17 authorizes PAPA to amend the terms of the standard contract to accommodate  
18 Respondent's residency. Only those contract terms that are dependent upon or  
19 significantly affected by Respondent's residence may be amended. At a minimum,  
20 Respondent's revised contract with PAPA must contain the following terms and  
21 conditions:

- 22 i. The contract shall be for a term of at least 5 years.  
23 ii. Respondent shall attend a minimum of (3) 12 step or self-help  
24 programs per week.  
25  
26

1                   iii.   Respondent shall abstain from alcohol and other mood  
2 altering substances except those prescribed to him by a physician.

3                   iv.   Respondent shall be subject to a minimum of twenty-four  
4 (24) random bodily fluid tests (blood, urine, saliva) or hair or nail sample tests per  
5 year to monitor his alcohol and drug consumption. Results shall be provided to the  
6 Board. Random testing may be coordinated with a health care facility near  
7 Respondent's residence or place of employment.

8                   v.   Respondent shall participate in counseling with the PAPA  
9 Clinical Director or another behavioral health care provider approved by PAPA  
10 during the term of the contract. Counseling sessions may be accomplished through  
11 telecommunication/telemedicine.

12                B.   No sooner than five (5) years from the beginning of Respondent's  
13 probationary period, Respondent shall request in writing that the Board terminate  
14 his probation. Respondent's request for termination will be considered at a  
15 regularly scheduled Board meeting. Respondent is required to personally appear  
16 at that Board meeting. Respondent's probationary period will continue until  
17 Respondent's request for termination is received and the Board terminates the  
18 probation.

19                C.   Respondent shall continue to comply with the terms of his PAPA  
20 contract.

21                D.   Respondent shall furnish all pharmacy employers with a copy of this  
22 Consent Agreement. Respondent shall ensure that all pharmacy employers submit  
23 to the Board a written acknowledgement that they have received a copy of this  
24 Consent Agreement within ten (10) days of entering into an employment  
25 relationship with Respondent.  
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1 E. Respondent shall advise the Board within ten (10) days of any  
2 change in pharmacy employment status.

3 2. Respondent shall pay all necessary fees and complete all continuing  
4 education requirements throughout the term of his probation.

5 3. Throughout the term of Respondent's probation, Respondent shall  
6 personally appear before the Board when requested to do so by the Board or Board staff.

7 4. Respondent shall furnish the Board with a list of all jurisdictions in which  
8 he maintains or has maintained licensure in the profession of pharmacy along with the  
9 registration numbers of said licenses.

10 5. Respondent shall obey all federal and state laws and rules governing the  
11 practice of pharmacy.

12 6. Respondent shall execute all appropriate release of information forms to  
13 permit the Respondent's treatment professionals and PAPA to communicate with the  
14 Board regarding Respondent's treatment.

15 7. Respondent shall pay all costs associated with complying with this Consent  
16 Agreement, including all expenses associated with PAPA.

17 8. If Respondent violates this Order in any way or fails to fulfill the  
18 requirements of this Order, the Board, after giving the Respondent notice and the  
19 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
20 Respondent's license. The issue at such a hearing will be limited solely to whether this  
21 Order has been violated.

22 DATED this 21<sup>st</sup> day of November, 2016.

23

24

ARIZONA STATE BOARD OF PHARMACY

25

26

(Seal)

1 By:   
2 KAMLESH GANDHI, Pharm.D  
Executive Director

3 ORIGINAL OF THE FORGOING FILED  
4 this 21<sup>st</sup> day of November, 2016, with:

5 Arizona State Board of Pharmacy  
1616 W. Adams  
Phoenix, AZ 85007

6 EXECUTED COPY OF THE FOREGOING MAILED  
7 BY FIRST-CLASS and CERTIFIED MAIL  
8 this 21<sup>st</sup> day of November, 2016, to:

9 Ryan Hopkins  
P.O. Box 234  
10 Peridot, AZ 85542

11 EXECUTED COPY OF THE FOREGOING MAILED  
12 this 21<sup>st</sup> day of November, 2016, to:

13 Jeanne M. Galvin  
14 Assistant Attorney General  
1275 W. Washington Street, SGD/LES  
15 Phoenix, Arizona 85007  
Attorneys for the Board

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